



General Assembly

February Session, 2010

Raised Bill No. 223

LCO No. 1092

01092_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT REQUIRING NONCUSTODIAL PARENTS TO PROVIDE
EMERGENCY CONTACT INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-56 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) In any controversy before the Superior Court as to the custody or
4 care of minor children, and at any time after the return day of any
5 complaint under section 46b-45, the court may make or modify any
6 proper order regarding the custody, care, education, visitation and
7 support of the children if it has jurisdiction under the provisions of
8 chapter 815p. Subject to the provisions of section 46b-56a, the court
9 may assign parental responsibility for raising the child to the parents
10 jointly, or may award custody to either parent or to a third party,
11 according to its best judgment upon the facts of the case and subject to
12 such conditions and limitations as it deems equitable. The court may
13 also make any order granting the right of visitation of any child to a
14 third party to the action, including, but not limited to, grandparents.

15 (b) In making or modifying any order as provided in subsection (a)

16 of this section, the rights and responsibilities of both parents shall be
17 considered and the court shall enter orders accordingly that serve the
18 best interests of the child and provide the child with the active and
19 consistent involvement of both parents commensurate with their
20 abilities and interests. Such orders may include, but shall not be
21 limited to: (1) Approval of a parental responsibility plan agreed to by
22 the parents pursuant to section 46b-56a; (2) the award of joint parental
23 responsibility of a minor child to both parents, which shall include (A)
24 provisions for residential arrangements with each parent in accordance
25 with the needs of the child and the parents, and (B) provisions for
26 consultation between the parents and for the making of major
27 decisions regarding the child's health, education and religious
28 upbringing; (3) the award of sole custody to one parent with
29 appropriate parenting time for the noncustodial parent where sole
30 custody is in the best interests of the child; or (4) any other custody
31 arrangements as the court may determine to be in the best interests of
32 the child.

33 (c) In making or modifying any order as provided in subsections (a)
34 and (b) of this section, the court shall consider the best interests of the
35 child, and in doing so may consider, but shall not be limited to, one or
36 more of the following factors: (1) The temperament and developmental
37 needs of the child; (2) the capacity and the disposition of the parents to
38 understand and meet the needs of the child; (3) any relevant and
39 material information obtained from the child, including the informed
40 preferences of the child; (4) the wishes of the child's parents as to
41 custody; (5) the past and current interaction and relationship of the
42 child with each parent, the child's siblings and any other person who
43 may significantly affect the best interests of the child; (6) the
44 willingness and ability of each parent to facilitate and encourage such
45 continuing parent-child relationship between the child and the other
46 parent as is appropriate, including compliance with any court orders;
47 (7) any manipulation by or coercive behavior of the parents in an effort
48 to involve the child in the parents' dispute; (8) the ability of each
49 parent to be actively involved in the life of the child; (9) the child's

50 adjustment to his or her home, school and community environments;
 51 (10) the length of time that the child has lived in a stable and
 52 satisfactory environment and the desirability of maintaining continuity
 53 in such environment, provided the court may consider favorably a
 54 parent who voluntarily leaves the child's family home pendente lite in
 55 order to alleviate stress in the household; (11) the stability of the child's
 56 existing or proposed residences, or both; (12) the mental and physical
 57 health of all individuals involved, except that a disability of a
 58 proposed custodial parent or other party, in and of itself, shall not be
 59 determinative of custody unless the proposed custodial arrangement is
 60 not in the best interests of the child; (13) the child's cultural
 61 background; (14) the effect on the child of the actions of an abuser, if
 62 any domestic violence has occurred between the parents or between a
 63 parent and another individual or the child; (15) whether the child or a
 64 sibling of the child has been abused or neglected, as defined
 65 respectively in section 46b-120; and (16) whether the party
 66 satisfactorily completed participation in a parenting education
 67 program established pursuant to section 46b-69b. The court is not
 68 required to assign any weight to any of the factors that it considers.

69 (d) (1) In making or modifying any order as provided in subsections
 70 (a) and (b) of this section, the court shall order any parent not awarded
 71 sole custody of the child to provide the other parent with emergency
 72 notification contact information, including the parent's address and
 73 telephone number, for use in the event of an emergency with respect to
 74 the child, except that the court may decline to enter such order if the
 75 court finds (A) the parent objects to providing such contact
 76 information and has shown good cause to refuse to disclose such
 77 contact information, or (B) the parent is ineligible for visitation
 78 pursuant to section 46b-59b or any other provision of law. Such good
 79 cause may include, but need not be limited to, the existence of a
 80 restraining order or protective order against the other parent.

81 (2) If the court finds that the objecting parent has shown good cause
 82 to refuse to disclose such contact information, the court shall order the

83 parent to provide such contact information to the Commissioner of
84 Children and Families, who shall maintain such information as
85 confidential, except that the commissioner may release such
86 information to school or medical personnel or law enforcement
87 officials if the commissioner finds that such disclosure is necessary for
88 the welfare of the child, provided such contact information shall not be
89 disclosed further without the consent of the parent.

90 (3) With respect to any order issued under this subsection that
91 requires a parent to provide contact information, the court shall
92 include a requirement that the parent provide updated contact
93 information not later than five calendar days after any change in the
94 contact information.

95 ~~[(d)]~~ (e) Upon the issuance of any order assigning custody of the
96 child to the Commissioner of Children and Families, or not later than
97 sixty days after the issuance of such order, the court shall make a
98 determination whether the Department of Children and Families made
99 reasonable efforts to keep the child with his or her parents prior to the
100 issuance of such order and, if such efforts were not made, whether
101 such reasonable efforts were not possible, taking into consideration the
102 best interests of the child, including the child's health and safety.

103 ~~[(e)]~~ (f) In determining whether a child is in need of support and, if
104 in need, the respective abilities of the parents to provide support, the
105 court shall take into consideration all the factors enumerated in section
106 46b-84.

107 ~~[(f)]~~ (g) When the court is not sitting, any judge of the court may
108 make any order in the cause which the court might make under this
109 section, including orders of injunction, prior to any action in the cause
110 by the court.

111 ~~[(g)]~~ (h) A parent not granted custody of a minor child shall not be
112 denied the right of access to the academic, medical, hospital or other
113 health records of such minor child, unless otherwise ordered by the

114 court for good cause shown.

115 [(h)] (i) Notwithstanding the provisions of subsections (b) and (c) of
 116 this section, when a motion for modification of custody or visitation is
 117 pending before the court or has been decided by the court and the
 118 investigation ordered by the court pursuant to section 46b-6
 119 recommends psychiatric or psychological therapy for a child, and such
 120 therapy would, in the court's opinion, be in the best interests of the
 121 child and aid the child's response to a modification, the court may
 122 order such therapy and reserve judgment on the motion for
 123 modification.

124 [(i)] (j) As part of a decision concerning custody or visitation, the
 125 court may order either parent or both of the parents and any child of
 126 such parents to participate in counseling and drug or alcohol
 127 screening, provided such participation is in the best interests of the
 128 child.

129 Sec. 2. Section 46b-61 of the general statutes is repealed and the
 130 following is substituted in lieu thereof (*Effective October 1, 2010*):

131 (a) In all cases in which the parents of a minor child live separately,
 132 the superior court for the judicial district where the parties or one of
 133 them resides may, on the application of either party and after notice is
 134 given to the other, make any order as to the custody, care, education,
 135 visitation and support of any minor child of the parties, subject to the
 136 provisions of sections 46b-54, 46b-56, as amended by this act, 46b-57
 137 and 46b-66. Proceedings to obtain such orders shall be commenced by
 138 service of an application, a summons and an order to show cause.

139 (b) (1) In all cases in which the parents of a minor child live
 140 separately, the superior court for the judicial district where the parties
 141 or one of them resides shall, on the application of either party and after
 142 notice is given to the other, order a parent to provide the other parent
 143 with emergency notification contact information, including the
 144 parent's address and telephone number, for use in the event of an

145 emergency with respect to the child, except that the court shall decline
 146 to enter such order if the court finds (A) the parent objects to providing
 147 such contact information and has shown good cause to refuse to
 148 disclose such contact information, or (B) the parent is ineligible for
 149 visitation pursuant to section 46b-59b or any other provision of law.
 150 Such good cause may include, but need not be limited to, the existence
 151 of a restraining order or protective order against the other parent.

152 (2) If the court finds that the objecting parent has shown good cause
 153 to refuse to disclose such contact information, the court shall order the
 154 parent to provide such contact information to the Commissioner of
 155 Children and Families, who shall maintain such information as
 156 confidential, except that the commissioner may release such
 157 information to school or medical personnel or law enforcement
 158 officials if the commissioner finds that such disclosure is necessary for
 159 the welfare of the child, provided such contact information shall not be
 160 disclosed further without the consent of the parent.

161 (3) With respect to any order issued under this subsection that
 162 requires a parent to provide contact information, the court shall
 163 include a requirement that the parent provide updated contact
 164 information not later than five calendar days after any change in the
 165 contact information.

166 (4) Proceedings to obtain such orders shall be commenced by
 167 service of an application, a summons and an order to show cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	46b-56
Sec. 2	<i>October 1, 2010</i>	46b-61

Statement of Purpose:

To require a noncustodial parent to provide emergency contact information to the custodial parent, or to the Department of Children

and Families when appropriate, unless exempted by the court, in the event of an emergency with respect to the parents' child.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]